

# GIRARD GIBBS

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ATTORNEYS AT LAW

October 17, 2016

**FILED VIA ECF**  
**COURTESY COPY MAILED TO CHAMBERS**

Honorable William H. Pauley, III  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1920  
New York, NY 10007

**Re: *Sergeants Benevolent Association Health & Welfare Fund v. Fougera Pharmaceuticals, Inc., et al.*, Case No. 16-cv-07229-WHP**

Dear Judge Pauley:

We represent Plaintiff Sergeants Benevolent Association in this matter. We respectfully submit this letter-motion pursuant to Rule 1(D) of Your Honor's Individual Practices to request approval of the parties' agreed-upon schedule for Plaintiff to file an amended complaint and for all Defendants to respond. This is the first request by any party for an extension and all parties consent to this request.

The current deadline for the domestic Defendants—Fougera Pharmaceuticals, Inc., Sandoz, Inc., Hi-Tech Pharmacal Co., Inc., Taro Pharmaceuticals USA, Inc. and Wockhardt USA LLC—to respond to the Complaint is October 19, 2016. This is the same date on which Plaintiff's amended complaint would be due under Fed. R. Civ. P. 15(a)(1)(A). There is no response deadline for the foreign Defendants—Taro Pharmaceutical Industries Ltd. (Taro Israel) and Perrigo Company PLC (Perrigo)—because they have not yet been served with process.

In light of Plaintiff's intention to file an amended complaint, and to facilitate a single response deadline for all foreign and domestic defendants included in the amended complaint, the parties propose the following schedule:

- Plaintiff will file an amended complaint no later than November 22, 2016.
- All Defendants named in the amended complaint will respond by January 13, 2017.<sup>1</sup>

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<sup>1</sup> Taro Israel and Perrigo agree to waive service, without prejudice to any and all defenses, including but not limited to lack of personal jurisdiction.

This request does not affect any other scheduled date. Pursuant to this Court's October 7, 2016 Order (Dkt. No. 23), the parties will confer regarding all of the subjects to be considered pursuant to Fed. R. Civ. P. 26(f), and will provide the Court with a written report outlining their discovery plan at least seven days before the initial pretrial conference set for December 9, 2016 at 11:30 a.m.

Based on the foregoing, Plaintiff respectfully requests that the Court enter an order giving effect to the requested schedule.

Respectfully submitted,

**GIRARD GIBBS LLP**



Daniel C. Girard

**cc:** Counsel for Defendants via ECF and email